

TABLE OF CONTENTS**CHAPTER 46-400 AID RECOVERIES AND SPECIAL CIRCUMSTANCES**

	Section
Special Circumstances	46-425
Special Need - Food, Care and Maintenance for Assistance Dogs	46-430

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CHAPTER 46-400 AID RECOVERIES AND SPECIAL CIRCUMSTANCES

46-425 SPECIAL CIRCUMSTANCES

46-425

- .1 Administration. County Welfare Departments (CWD's) shall administer this section including establishment of eligibility and payments of benefits.
- .2 Definitions.
 - .21 "Catastrophe" means fire, flood, earthquake or similar disaster.
 - .22 "Emergency" means a special circumstance which requires immediate action to escape an unhealthful or unsafe situation as determined by the CWD.
 - .23 "Eviction" means an official legal action or a written demand by the landlord to vacate rental property or any other action by the landlord which substantially interferes with occupancy by the tenant, such as terminating utility services or removing doors.
 - .24 "Housing" means a dwelling and the land on which it is situated.
 - .25 "Housing modifications" means alterations to a dwelling that change an existing structure or add something new to accommodate physical infirmities or other health or safety needs.
 - .26 "Housing repairs" means restoring an item to a level of adequate function after damage or breakdown. An item needs repair when it is in such a state of disrepair that it is no longer functioning in the way for which it was constructed.
 - .27 "Liquid assets" means resources which are readily converted to cash. This includes cash, negotiable stocks and bonds, bank accounts, etc. Liquid assets do not include the recipient's regular monthly grant or the cash value of insurance policies, burial trusts, automobile or other personal property not readily converted to cash.
 - .28 "Recipients" means SSP recipients.
 - .29 "Special circumstances" means those circumstances which are not common to all recipients and which arise out of need for certain goods or services, and physical infirmities or other conditions peculiar, on a nonrecurring basis, to the individual's situation.

Special circumstances may result in payments for:

- .291 Replacement or repair of essential household furniture and equipment; and replacement of clothing (see Catastrophe Section 46-425.61 and .62).

46-425	SPECIAL CIRCUMSTANCES (Continued)	46-425
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- .292 Housing repairs (see Sections 46-425.26, 46-425.63 and .64).
 - .293 Moving expenses (see Section 46-425.65 and .66).
 - .294 Housing modifications (see Sections 46-425.25 and 46-425.67).
 - .295 Prevention of foreclosure (see Section 46-425.68).
- .3 Utilization of Liquid Assets. The costs of any special circumstances shall be met by first requiring the recipient to utilize all but \$300 of his/her available liquid assets. The recipient shall also be allowed to retain any funds that have been specifically designated for the following future needs:
- .31 Property tax
 - .32 Home insurance
 - .33 Funds which have been specifically committed for known medical expenses already incurred or planned and not covered by Medi-Cal or any other source. Examples include but are not limited to, a surgical operation for an ineligible spouse or purchase of such items as eye glasses or dental plates.
 - .34 Any monies that are being accumulated to satisfy a lien against the home property or a judgment arising out of an automobile accident that otherwise would result in loss of the recipient's driver's license.
 - .35 Funds which have been set aside to fulfill an approved plan of self-support in the SSI/SSP Program.
- .4 Payment of Benefits
- .41 Payment shall not be made for any need which can be met without cost to the recipient.
 - .42 Payment shall be made to the recipient or his/her representative payee except when, in the opinion of the county, vendor payment is more advisable.
 - .43 Vendor payments shall be made no later than thirty days after the vendor's bill is presented to the county.
 - .44 Payment shall not be made for expenses that do not have prior authorization from the county, except as specified in .5 below.

46-425	SPECIAL CIRCUMSTANCES (Continued)	46-425
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- .5 Exception to the Requirement of Prior Authorization for Payment. Prior county authorization to incur expenses shall not be required when the special circumstance is an emergency.

The recipient shall submit evidence to the county to show that an emergency existed and that the expenses incurred were necessary and reasonable.

- .6 Categories of Special Circumstances Payments. Payments under this section shall be limited to the following:

- .61 Replacement or repair of essential household furniture, equipment or supplies owned by the recipient which have been lost, damaged or destroyed through catastrophe. Such items shall be replaced, restored or repaired. In nonemergency situations, the recipient shall, upon county request, provide information to determine whether replacement, restoration or repair is most feasible before the county authorizes the expense to be incurred.

.611 The cost shall be prorated among the owners of the items.

.612 The amount of the allowance per catastrophe to the recipient(s) shall be the item's reasonable replacement, restoration or repair cost, including sales tax, or the maximum amount listed below, whichever is less:

.6121 Cook stove, refrigerator, and/or space heater - \$405, combined total,

.6122 Bed, including mattress - \$143

.6123 Other essential furniture, equipment or supplies - \$50 total.

- .62 Replacement of clothing lost, damaged, or destroyed through catastrophe.

.621 The allowance shall not exceed a reasonable amount for which needed items can be purchased, or a total amount of \$113 per recipient, whichever is less.

- .63 Required housing repairs necessary to provide safe and healthful recipient-owned housing and/or essential appliances. (\$300 maximum allowance.)

.631 These remedies shall include, but shall not be limited to:

.6311 Repairs to the physical structure of the home.

46-425 SPECIAL CIRCUMSTANCES (Continued)**46-425**

- .6312 Removal of a tree which endangers the home.
- .6313 Repair of cesspool or sewer.
- .6314 Fumigation for pests.
- .6315 Repairs to the following recipient-owned essential appliances: stove, heater, water heater, refrigerator. Other appliances (such as air conditioners) may be repaired only if they are essential to safe and healthful housing for the recipient.
- .632 Payment shall not be allowed for items or services which are necessary on a recurring basis solely to maintain the property, unless the health or safety of the recipient is threatened and the recipient could not have reasonably prevented the need for the remedy.
- .633 Payment of the required housing repair allowance shall be permitted when the total cost of necessary repairs exceeds \$10. The allowance shall not exceed a reasonable amount for which adequate repairs can be made. Appliances shall be replaced, restored or repaired. In nonemergency situations, the recipient shall, upon county request, provide information to determine whether replacement, restoration or repair is most feasible before the county authorizes the expense to be incurred. The total allowance for repairs in any 12-month period shall not exceed \$300 per dwelling except as specified in Section 46-425.64. The period begins on the date of application for the current request and covers applications made during the immediately preceding 12-month period.
- .634 The cost of the repairs shall be prorated among the owners of the property or appliance. When ownership is shared with a nonrecipient, the recipient's or recipients' prorated portion of the cost up to the \$300 limit shall be allowed.
- .635 SSP recipients who hold a life estate to the house in which they live are eligible for the required housing repair allowance.
- .64 Supplemental housing repairs which are necessary for safe and healthful housing, but which exceed \$300 total cost.
 - .641 When the cost of required housing repairs exceeds the \$300 standard allowed in Section 46-425.63, an additional payment not to exceed the total cost of the repairs, shall be allowed when all the conditions set forth in Section 46-425.644 are met.

46-425	SPECIAL CIRCUMSTANCES (Continued)	46-425
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- .642 The number of payments for supplemental housing repairs shall not be limited provided that the cumulative payment per dwelling does not ever exceed \$450.
- .643 Persons who received a payment under the Unmet Shelter Needs Program (January 1974 through June 1977) shall be eligible for the difference between that payment and the \$450 supplemental housing repair allowance.
- .644 Prior to making any expenditures of the supplemental housing repair allowance, in nonemergency situations, the home shall be evaluated and the following determinations made by the county:
 - .6441 The housing or essential appliance is so defective that continued occupancy or use is not safe or is not healthful.
 - .6442 The housing or essential appliance is worth repairing.
 - .6443 It appears probable the recipient will be able to continue living in the home following its repair.
 - .6444 Total cost to the recipient for adequate alternative housing over a two-year period would exceed the following combined costs:
 - (a) The cost of repairs needed to make the home habitable and,
 - (b) Other probable costs of continued occupancy of such home during a two-year period, i.e., encumbrance payments, taxes, assessments, minor upkeep and insurance.
- .645 The cost of repairs shall be prorated among the owners of the property or essential appliance. When ownership is shared with a nonrecipient, the recipient's or recipients' prorated portion of the cost, up to the maximum, is allowed.
- .65 Required moving expenses, including the cost of packing, storage, and moving, necessary because of eviction or because current housing is unsafe or unhealthful as determined by the CWD.
 - .651 The amount allowed shall not exceed \$200 for a recipient or \$300 for two or more recipients. The amount shall never exceed the cost of the services. In nonemergency situations, the recipient shall, upon county request, provide cost estimates to the county prior to authorization of the moving allowance.

46-425	SPECIAL CIRCUMSTANCES (Continued)	46-425
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- .652 Payment for moving expenses shall be limited to one time only for each recipient unless it is determined by the CWD that the applicant did not cause the need for another move.
- .653 No payment shall be made when provisions for moving can be made at no cost to the recipient.
- .654 When the SSP recipient is moving with a nonrecipient(s), payment shall be made for only the SSP recipient's share of the total cost of the move. Proration of costs shall not apply to nonrecipient minors in the home.
- .66 Supplemental moving expenses, including the required costs of securing suitable housing as designated below, necessary because of eviction or because current housing in unsafe or unhealthful as determined by the CWD.

The supplemental moving expense payment is separate from any moving expenses granted under Section 46-425.65. When the SSP recipient is moving with a nonrecipient(s), payment shall be made for only the SSP recipient's share of the total cost of the move. Proration of costs shall not apply to nonrecipient minors in the home.

- .661 Payment for securing housing shall be limited to one time only for each recipient unless it is determined by the CWD that the applicant(s) did not cause the need for another move.
- .662 If the recipient(s) is renting housing, payment up to a maximum of \$300 per move under this section shall be limited to:
 - .6621 Required deposits for gas, water, sewage, electricity including hood-up fees, and installation charges for a telephone.
 - .6622 First and last months' rent when required by the landlord to secure the rental housing. If the recipient(s) has not paid rent out of the current month's check, he/she/they will be required to pay one month's rent, with the balance needed to secure the housing then met through the supplemental moving expense payment.
 - .6623 Cleaning fees and/or security deposits.
- .663 If the recipient(s) is purchasing a home, the combined payments for purchase of a home and the moving allowance under Section 46-425.65 shall not exceed \$750. The cost of home purchase shall be prorated among all purchasers of the home in accordance with Section 46-425.654.

46-425	SPECIAL CIRCUMSTANCES (Continued)	46-425
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A payment covering costs listed in Section 46-425.6631 - .6634 may be allowed if:

- (a) The property is a suitable home for the recipient.
- (b) Approval can be obtained for an FHA, Veterans Administration, or other governmental or conventional loan.
- (c) The usual safeguards are observed prior to transfer, i.e., building inspection, property search, termite inspection, etc.
- (d) The total monthly amount for payments on the principal interest, taxes, and other liens on the property, insurance and minor maintenance, is not substantially in excess of the cost of rental or leased housing that would be available for the recipient.
- (e) The recipient(s) can qualify as a transferee for the encumbrance on the property or approval of a renegotiated loan as set forth in (b) above.

Payment may be allowed for:

- .6631 Down payment
 - .6632 Closing costs
 - .6633 Real estate fees; and,
 - .6634 Other costs entailed in real property or mobile home purchase, including required deposits for gas, water, sewage, electricity including hook-up fees, and installation charges for a telephone.
- .67 Housing modifications expense, when modification of a recipient occupied home is necessary to provide safe and healthful housing.
- .671 Payment up to a maximum of \$750 per recipient, not to exceed \$750 per home, shall be allowed to meet the need. The \$750 maximum is cumulative and may be expended in one or more payments. Such a determination shall be based on nonrecurring conditions peculiar to the individual's situation.

46-425 SPECIAL CIRCUMSTANCES (Continued)**46-425**

- (a) If two or more recipients live together, the amount allowable shall be limited to a cumulative maximum of \$750 for the common home.
 - (b) Should one recipient move from the common home to a new dwelling, he/she shall be eligible for a renewed \$750 maximum allowance for that dwelling. The individual remaining in the home which was previously held in common shall be eligible for an individual \$750 allowance, less his/her share of any modification allowance previously expended on that dwelling. If the individual remaining in the home did not benefit from modification allowances previously expended on the dwelling, the cost of such modifications shall not be applied to that individual. He/she shall be eligible for the full \$750 per recipient allowance as necessary to accommodate his/her physical infirmities or other health and safety needs in that dwelling.
 - (c) Should the recipients both move from the common home into separate homes, each person shall be eligible for a renewed \$750 maximum allowance for each new dwelling.
- .672 Examples of housing modifications include, but are not limited to, a ramp or other needed fixtures for a disabled person. Modifications also include changes that are required to comply with local building, health or safety codes and which are necessary for safe or healthful housing, such as installation of mobile home skirting and required sewer hook-ups for residences.
- .673 Modification may be made when housing occupied by a recipient is owned by another person if the recipient has obtained the written permission of the owner to complete the modifications.
- .674 Proration may be required for a home modification. If two or more recipients live together, each recipient benefited by a modification shall commit an equal share of his/her allowance to meet the cost; if one recipient is the sole beneficiary of the modification, that person shall bear the cost.
- .68 Payment to Prevent Foreclosure.
- .681 Payment of up to \$750 shall be allowed to prevent foreclosure as a result of delinquent mortgage payments, deeds of trust, or liens resulting from delinquent taxes, bonds, assessment, etc., on a home owned by a recipient or recipients.

46-425	SPECIAL CIRCUMSTANCES (Continued)	46-425
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- .682 This allowance shall be limited to one time only per recipient, regardless of whether the maximum is used.
- .683 The allowance shall be prorated among the owners of the property. If the property is owned by more than one person and the other owner(s) do not contribute his/her share of the amount required to prevent foreclosure, the allowance shall not be granted to the SSP recipient(s). When the recipient is the sole owner of the property, and the maximum allowance is not sufficient when added to contributions from other sources to prevent foreclosure, the allowance shall not be granted.

46-430	SPECIAL NEED - FOOD, CARE AND MAINTENANCE FOR ASSISTANCE DOGS	46-430
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.1 Definitions.

For the purpose of the Assistance Dog Special Allowance Program, the following definitions shall apply wherever the terms are used throughout Section 46-430.

- (a) (1) "Assistance Dog" means a guide dog, signal dog, or service dog.
- (b) (1) "Blind Recipient" means any individual who is considered blind as defined in Section 1614(a) of Title XVI of the Social Security Act.
- (c) (Reserved)
- (d) (1) "Disabled Recipient" means any individual who is considered disabled as defined in Section 1614(a) of Title XVI of the Social Security Act.
- (e) (1) "Eligible Recipient" means any blind or disabled individual who is a recipient of either or both SSI/SSP or IHSS who has an assistance dog.
- (f) (Reserved)
- (g) (1) "Guide Dog" means a dog that has been specifically trained, and certified by a licensed guide dog trainer under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code for use by a blind person to assist with his/her sight needs.
- (h) (Reserved)

46-430	SPECIAL NEED - FOOD, CARE AND MAINTENANCE FOR ASSISTANCE DOGS (Continued)	46-430
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- (i) (1) "IHSS" means the In Home Supportive Services Program (as defined in MPP Section 30-700.1) which provides assistance to any eligible aged, blind, or disabled individual who is unable to remain safely in his/her own home without this assistance.
- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) (Reserved)
- (o) (Reserved)
- (p) (Reserved)
- (q) (Reserved)
- (r) (Reserved)
- (s) (1) "SDSS" means State Department of Social Services.
- (2) "Service Dog" means a dog that has been specifically trained by a professional service dog trainer to meet a physically disabled person's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheel chair, or fetching dropped items.
- (3) "Signal Dog" means a dog that has been specifically trained by a professional signal dog trainer to alert a deaf person or a person whose hearing is impaired, to intruders or sounds.
- (4) "Special Needs Allowance" means an allowance provided by the Assistance Dog Special Allowance Program to pay for dog food and other costs associated with an assistance dog's care and maintenance. This allowance shall be \$40 a month for the months of January 1, 1991 through June 30, 1991 and \$50 per month beginning July 1, 1991.
- (5) "SSI" means the federal Supplemental Security Income benefits provided pursuant to Subchapter 16 (commencing with Section 1381) of Chapter 7 of Title 42 of the United States Code.

46-430	SPECIAL NEED - FOOD, CARE AND MAINTENANCE FOR ASSISTANCE DOGS (Continued)	46-430
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(6) "SSP" means State Supplementary Program under Welfare and Institutions Code Chapter 3 (commencing with Section 12000).

(t) (Reserved)

(u) (Reserved)

(v) (Reserved)

(w) (Reserved)

(x) (Reserved)

(y) (Reserved)

(z) (Reserved)

.2 Eligibility

Eligible recipients who have an assistance dog shall be eligible for this special needs allowance.

.3 Application

Upon request the Department shall send application Form SC 1 (Rev. 11/90) to eligible recipients.

.31 Eligible recipients who have an assistance dog shall apply for a special needs allowance. Application shall be made on Form SC 1 (Rev. 11/90) to the State Department of Social Services (SDSS), Assistance Dog Special Allowance Program, 744 P Street, Sacramento, CA 95814.

.32 The Department will approve or deny every application and notify the applicant of the action no more than 30 days after the date the application is received.

.4 Payments

Payments begin from the first day of the month in which the application is received. Payments shall be made at the end of the month, in arrears for that month.

46-430	SPECIAL NEED - FOOD, CARE AND MAINTENANCE FOR ASSISTANCE DOGS (Continued)	46-430
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.5 Redeterminations

Eligibility for this allowance shall be redetermined at least once every twelve months. Each recipient shall complete and return the redetermination Form BPGDA1 (Rev. 1/91) to SDSS within 30 days of the date on the form.

Each recipient shall promptly notify SDSS if he/she: (1) ceases to be a recipient of blind or disabled benefits under SSI/SSP, (2) ceases to be a blind or disabled recipient of IHSS, (3) has retired his/her assistance dog, (4) no longer has an assistance dog, (5) has a change in his/her mailing address or name.

HANDBOOK BEGINS HERE

.6 County Responsibility

The county welfare department will assist the recipient in completing his/her application for the special allowance when necessary to do so.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553, 10554, 12500, and 12553, Welfare and Institutions Code. Reference: Sections 10553, 10554, 12500, and 12553, Welfare and Institutions Code; Section 1614(a)(2), Title XVI of the Social Security Act; Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code; and Section 54.1, Civil Code.

TABLE OF CONTENTS

DIVISION 47 CALWORKS CHILD CARE

	Chapter
The Stage One Child Care Program	47-100
Stage One Child Care Eligibility	47-200
Responsibilities of the County	47-300
Payment for Child Care Services	47-400
Trustline Registry and Health and Safety Requirements	47-600

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TABLE OF CONTENTS**CHAPTER 47-100 THE STAGE ONE CHILD CARE PROGRAM****Section**

Introduction to the Stage One Child Care Program.....	47-101
Introduction.....	.1
Intent of the Child Care Program.....	.2
The Goal of the Child Care Program.....	.3
Administration of Stages.....	.4
Child Care Partnerships.....	.5
Stage One Child Care.....	.6
Stage Two Child Care.....	.7
Stage Three Child Care.....	.8
Extent of These Regulations.....	.9
Definitions.....	47-110

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CHAPTER 47-100 THE STAGE ONE CHILD CARE PROGRAM

47-101 INTRODUCTION TO THE STAGE ONE CHILD CARE PROGRAM 47-101

HANDBOOK BEGINS HERE

.1 Introduction

The Thompson-Maddy-Ducheny-Ashburn Welfare-to-Work Act of 1997 (Assembly Bill (AB) 1542, Chapter 270, Statutes of 1997) established the California Work Opportunity and Responsibility to Kids (CalWORKs) Program. CalWORKs replaced the Aid to Families with Dependent Children (AFDC) Program and the Greater Avenues for Independence (GAIN) Program. CalWORKs also replaced a number of separate welfare-related child care programs. These include: GAIN child care, Non-GAIN Education and Training (NET) child care, Cal-Learn Child Care, Supplemental Child Care (SCC), Transitional Child Care (TCC), the California Alternative Assistance Program (CAAP), the At-Risk Child Care Program, and the child care earned income disregard programs.

.2 Intent of the Child Care Program

It is the intent of the Legislature that CalWORKs recipients, and former recipients are connected as soon as possible to local child care resources, make stable child care arrangements, and continue to receive subsidized child care services after they no longer receive aid as long as they require those services and meet the specified eligibility requirements.

In order to move welfare recipients and former recipients from their relationship with county welfare departments to relationships with institutions providing services to working families, it is the intent of the Legislature that families that are former recipients of aid, or are transitioning off aid, receive their child care assistance in the same fashion as other low-income working families.

HANDBOOK CONTINUES

47-101	INTRODUCTION TO THE STAGE ONE CHILD CARE PROGRAM	47-101
---------------	---------------------------------------------------------	---------------

HANDBOOK CONTINUES

Therefore, it is the intent of the Legislature that families no longer rely on county welfare departments to obtain child care subsidies beyond the time they are receiving other services from the welfare department. The Legislature intends that counties quickly move recipients out of the first stage of child care after the county determines stability.

In addition, the Legislature intends in enacting this article to provide sufficient funding through an appropriation in the annual Budget Act to fund the estimated cost of providing child care for all individuals who are anticipated to need child care to participate in the welfare-to-work programs and to transition to work.

It is further the intent of the Legislature to ensure that the implementation of Public Law 104-193 does not result in unanticipated outcomes that negatively affect child well-being.

.3 The Goal of the Child Care Program

The goal of the Child Care Program is to provide child care through a seamless system by standardizing child care program requirements under a single three-stage system.

.4 Administration of Stages

Stage One child care is administered by the counties and supervised by the Department of Social Services. Stages Two and Three are administered by Alternative Payment Programs (APP) contracting with the California Department of Education (CDE). California Community Colleges also provide child care services to CalWORKs participants.

47-101	INTRODUCTION TO THE STAGE ONE CHILD CARE PROGRAM	47-101
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(Continued)

HANDBOOK CONTINUES

- .5 Child Care Partnerships
- It is the intent of the Legislature that families experience no break in their child care services due to a transition between the three stages of child care. To assure this, the California Department of Social Services (CDSS), CDE and the Chancellor's Office of the California Community Colleges (COCCC) work in collaboration to develop state policy and strategies that will aid in streamlining the program. At the local level, the counties, the Resource and Referral (R&R) Program, the Alternative Payment Program (APP), and the Local Planning Council (LPC) work together to assure that local policies and procedures provide for a smooth transition between the three stages of child care.
- .6 Stage One Child Care
- Stage One begins upon the entry of a person into the CalWORKs assistance program. A family may receive a child care subsidy for any legal child care chosen by the client.
- .7 Stage Two Child Care
- Stage Two **may begin** when child care is available through a local Stage Two program and: the county determines stability; or when a recipient is transitioning off of aid.
- .8 Stage Three Child Care
- Stage Three begins when a funded space is available for a CalWORKs child care client, a Diversion client, or an employed former CalWORKs client.
- .9 Extent of **Division 47**
- Division 47** covers only Stage One child care and transition from Stage One.

HANDBOOK ENDS HERE

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858 et seq.; 42 U.S.C. 9858c(c)(2)(H); AB 1542, Chapter 270, Statutes of 1997; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provisions 13 and 14, and Item 6870-101-001, Provision 16(c); Sections 8350 thru 8359.1, and 79202, Education Code; and Section 11323.8, Welfare and Institutions Code.

47-110 DEFINITIONS**47-110**

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| (a) (1) Alternative Payment Program | "Alternative Payment Program (APP)" means an agency that contracts with the California Department of Education, in addition to other activities, to make payments to another agency or child care provider for the provision of child care and development services. |
| (2) Assistance Unit | "Assistance Unit" means a group of related persons living in the same home who have been determined eligible for CalWORKs cash assistance. [See Section 80-301(a)(9)] |
| (b) (Reserved) | |
| (c) (1) Child Care | "Child Care" means care and supervision of a child as specified in the California Code of Regulations, Title 22, Division 12, Section 101152c.(2). |
| (2) Co-payment | "Co-payment" means the amount the client is responsible to pay, if she or he chooses a child care provider who charges a fee higher than the maximum payment rate specified in Section 47-401.1. The co-payment is distinct from the family fee, as defined in Section 47-110(f)(1). |
| (3) Child Care Provider | "Child care provider" means a person or organization that provides child care services. |
| (4) Client | "Client" means an applicant for or recipient of CalWORKs cash assistance, a former CalWORKs client, a recipient of diversion payments or services, and/or a Cal-Learn teen, who receives or is eligible to receive child care through the CalWORKs child care program. |
| (5) Commute Hours | "Commute hours" means the time it takes for the client to travel from the child care provider to the activity or activities for which child care is being provided and from there back to the child care provider. |

47-110 DEFINITIONS (Continued)**47-110**

(d) (Reserved)

(e) (1) Eligibility List

"Eligibility List" means a waiting list for admission to state and federally subsidized child development services administered by the California Department of Education.

(2) Exempt from Licensing or License-Exempt

"Exempt from licensing" or "license-exempt" means that a child care provider is not required to obtain a child care license, as specified in the California Code of Regulations, Title 22, Division 12, Section 101158.

(f) (1) Family Fee

"Family fee" means the amount, if any, that the client shall be required to pay towards his or her child care costs, based on the fee schedule established by the State. The family fee is distinct from the co-payment, as defined in Section 47-110(c)(2).

(2) Former CalWORKs Client

"Former CalWORKs client" means an individual who received cash aid under AFDC or CalWORKs in the prior 24 months and needs child care to continue his or her employment or fulfill his or her county-approved program activity.

47-110 DEFINITIONS (Continued)**47-110**

(g) (Reserved)

(h) (Reserved)

(i) (Reserved)

(j) (Reserved)

(k) (Reserved)

(l) (1) Licensed Provider

"Licensed Provider" means an individual or organization that has obtained a child care license, as specified in the California Code of Regulations, Title 22, Division 12.

(m) (Reserved)

(n) (Reserved)

(o) (1) Overpayment

"Overpayment" means payments for child care services in excess of the amount which either the client or the child care provider is eligible to receive.

(p) (Reserved)

(q) (Reserved)

(r) (1) Registration Fee

"Registration Fee" means a one-time or periodic service or application fee charged by a child care provider.

47-110	DEFINITIONS (Continued)	47-110
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|-----|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (2) | Resource and Referral Program | "Resource and Referral Program (R & R)" means a program that provides information and referrals for child care, information and referrals for community services, and coordination of community resources. |
| (s) | (Reserved) | |
| (t) | (Reserved) | |
| (u) | (1) Underpayment | "Underpayment" means payments for child care services that are less than the amount which either the client or the child care provider is eligible to receive. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858 et seq.; 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858c(c)(2)(H); 42 U.S.C. 9858c(c)(2)(A) and (c)(5); 42 U.S.C 9858e; 42 U.S.C. 9858n; 45 CFR 98.15(a)(3); 45 CFR 98.20(b)(3); 45 CFR 98.30; 45 CFR 98.42; Sections 8208, 8208.1, 8263, 8264, 8354 and 8357, Education Code; Section 1596.792, Health and Safety Code; Sections 11320.3, 11323.2, 11323.4, and 11324, Welfare and Institutions Code; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provision 9, and Item 6870-101-001, Provision 16(c).

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TABLE OF CONTENTS**CHAPTER 47-200 STAGE ONE CHILD CARE ELIGIBILITY**

	Chapter
Eligible Children.....	47-201
Eligible Child .....	.1
Age Requirements.....	.2
Other Age Requirements .....	.3
Eligible Clients.....	47-220
Current Recipient of CalWORKs Cash Assistance .....	.1
Stage One Clients .....	.2
Other Stage One Clients.....	.3
Two-Parent Families .....	.4
Eligible Former CalWORKs Clients.....	47-230
Child Care Services for Former CalWORKs Clients.....	.1
Income Eligibility.....	.2
Calculation of Family Fee for Stage One Clients	47-240
Calculation of Family Fee for Stage One Clients .....	.1
Eligible Providers	47-260
Eligible Child Care Provider Requirements .....	.1
Parental Choice.....	.2
Eligible Child Care Provider Limitations3
Exempt Provider Information.....	.4

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CHAPTER 47-200 STAGE ONE CHILD CARE ELIGIBILITY**47-201 ELIGIBLE CHILDREN****47-201**

- .1 Eligible Child A child that is eligible to receive Stage One child care services shall:
- .11 Assistance Unit Members Be a member of the assistance unit; or would be a member of the assistance unit but for the receipt of foster care benefits or Supplemental Security Income/State Supplemental Program (SSI/SSP) benefits; or be the child of a Cal-Learn Participant; or be a member of a family with a former CalWORKs client who has become employed.
- .12 Non-Assistance Unit Members Be a child that is:
- .121 Membership Not in the assistance unit;
- .122 Effect on Participation One for whom the lack of child care would result in the client not being able to participate in approved CalWORKs or Cal-Learn activities or employment; and
- .123 Responsibility for Child One whom the client is responsible to support.

HANDBOOK BEGINS HERE

- .124 Example 1 A single parent requests CalWORKs Stage One child care both for her children and her sister's unaided children who are residing with her while her sister is in jail. The children's father is absent. In this case the sister's children meet the requirement in Section 47-201.123, that is, children whom the client is responsible to support.
- .125 Example 2 A single parent requests CalWORKs Stage One child care both for her children and the children of her unaided unmarried boyfriend living in the home. The unmarried boyfriend is employed. He is unable to provide care for his children during his hours of employment. In this case the boyfriend's children do not meet the requirement in Section 47-201.123, that is, children whom the client is responsible to support.

HANDBOOK ENDS HERE

47-201	ELIGIBLE CHILDREN (Continued)	47-201
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| .2 | Age Requirements | The child shall not exceed the age specified in Section 42-101 and shall be: |
| .21 | Age Limit | 10 years of age or younger; or |
| .22 | Disabled | 11 years of age or older and require child care or supervision because she or he is physically or mentally incapable of caring for herself or himself based on a written statement of a physician or licensed or certified psychologist or receipt of SSI/SSP; or |
| .23 | Court Supervision | 11 years of age or older and be under court supervision as specified in Welfare and Institutions Code Section 300, 301, 601 or 602. |
| .3 | Other Age Requirements | The child shall be: |
| .31 | Age 11 or 12 | 11 or 12 years of age to the extent funds are available. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 609(a)(3); 45 CFR 98.20(a)(1)(ii); Sections 10540.5, 10544, 11320.3, and 11323.2, Welfare and Institutions Code.

47-220	ELIGIBLE CLIENTS	47-220
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| .1 | Current Recipient of CalWORKs Cash Assistance | Current CalWORKs recipients are eligible to receive CalWORKs child care because the participant receives CalWORKs cash assistance. |
| .2 | Stage One Clients | Child care shall be paid for every client when the following conditions are met: |
| .21 | Required Activities | A client is participating in the following activities: |
| .211 | Working | Working, and/or; |
| .212 | Welfare-to-Work Activity | Participating in a county-approved welfare-to-work activity; or |
| .213 | Other Approved Activity | Participating in another activity approved by the county including, but not limited to, job search and assessment or participating as a volunteer. |
| .22 | Availability of Care | There is no parent, legal guardian, or adult member of the assistance unit living in the home who is able and available to provide care. |
| .3 | Other Stage One Clients | Stage One child care shall also be paid for the following individuals: |
| .31 | Clients During a Suspense Month | Stage One clients who experience a period of temporary ineligibility for a cash grant that is not longer than one month, as long as they are participating in county-approved activities, or are employed; |
| .32 | Clients During Penalty/Sanction Months | Stage One clients who are being penalized or sanctioned, as long as they are working or participating in county-approved activities. |

HANDBOOK BEGINS HERE

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| .33 | Former CalWORKs Clients Who Have Become Employed | Former CalWORKs clients who have become employed are eligible for child care services in Stage Three. |
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HANDBOOK CONTINUES

47-220	ELIGIBLE CLIENTS (Continued)	47-220
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| .331 | Child Care Services for Former CalWORKs Clients in Stage Two | If child care is not available in Stage Three, former CalWORKs clients receive child care services in Stage Two. |
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| .332 | Child Care Services for Former CalWORKs Clients in Stage One | Former CalWORKs clients shall receive child care services in Stage One when child care services are not available in Stage Two or Three child care. |
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| .34 | Clients Receiving Lump-Sum Diversion Payments or Services in Stage Three | Clients receiving Lump-Sum Diversion Payments or Services, as specified in Section 81-215, are eligible for child care services in Stage Three. If Stage Three child care or other subsidized child care is not available, diversion clients may be served in Stage Two child care. |
| .341 | Lump-Sum Diversion Payment that Includes Child Care | The lump-sum diversion payment may include funds to cover child care services during the period of diversion as specified in Section 81-215. |

HANDBOOK ENDS HERE

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| .4 | Two-Parent Families | Two-parent families, even if they do not meet the 55 hours of participation per week in CalWORKs activities shall receive child care services, if otherwise eligible. |
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 601 et seq., 42 U.S.C. 607(c)(1)(B)(ii); 42 U.S.C. 609(a)(3); 42 U.S.C. 9858i(a)(2)(A); 42 U.S.C. 9801 Note (b)(4); Sections 8263, 8350.5, 8351(c), 8353, 8354 and 8357, Education Code; Sections 10540, 10544, 11266.5, 11320.3, 11322.8, 11323.2 and 11323.8, Welfare and Institutions Code.

47-230	ELIGIBLE FORMER CALWORKS CLIENTS	47-230
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| .1 | Child Care Services for Former CalWORKs Clients | Former CalWORKs clients shall receive Stage One child care if: |
| .11 | Availability of Child Care | Child care services are not available in Stages Two or Three, and |
| .12 | Eligibility | The client meets the requirements of Sections 47-220.2 through 47-220.213, and |
| .13 | Income and Family Size | The family meets the requirements of Education Code Sections 8263 and 8263.1, and |
| .14 | Time Limits | Not more than 24 months have elapsed since the client left cash aid. |
| .141 | Application of Time Limit | The 24-month limit applies to each instance of leaving cash aid. |
| .142 | Applicability to Stage One and Stage Two | Child care services in Stage One and Stage Two combined shall not exceed 24 months after leaving cash aid. |
| .143 | Applicability to Other Eligibility Requirements | The 24-month limit shall apply unless the client becomes otherwise ineligible within the 24-month period. |
| .144 | Applicability to Stage Three | This 24-month limit shall not limit eligibility for child care services in Stage Three. |
| .2 | Income Eligibility | Former CalWORKs clients shall be eligible for Stage One child care services if monthly income, adjusted for family size, does not exceed 75 percent of the State Median Income, as specified in Education Code Section 8263.1(a). |

HANDBOOK BEGINS HERE

.21 Income Eligibility

To assist with eligibility determination as required by Sections 47-230.13 and 47-230.2 above, those definitions used by the Department of Education cited above are included in this handbook section for the convenience of the user. Education Code Section 8263.1(a) provides that: For purposes of this chapter, "income eligible" means that a family's adjusted monthly income is at or below 75 percent of the state median income, adjusted for family size, and adjusted annually." The statute also provides that the income of recipients of Federal Supplemental Security Income and State Supplemental Program (SSI/SSP) benefits shall not be included as income.

.211 Eligible Family Income

Department of Education regulations define family income for the child care programs in California Code of Regulations, Title 5, Sections 18078(a), (g), and (l), as follows:

HANDBOOK CONTINUES

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| (a) | Adjusted Monthly Income | Section 18078(a) - "'adjusted monthly income' means total countable income minus verified child support payments paid by the parent whose child is receiving child development services. Except for child support payments paid by the parent, monthly income shall not be adjusted because of voluntary or involuntary deductions. When income fluctuations occur, the adjusted monthly income shall be computed by averaging the total adjusted income received during the twelve (12) months immediately preceding the month in which the application for services is signed;" |
| (b) | Income Fluctuation | Section 18078(g) - "'income fluctuation' means income which varies because of income such as bonuses, commissions, overtime, lottery winnings or migrant agricultural work or other seasonal employment;" and |
| (c) | Total Countable Income | Section 18078(l) - "'total countable income' means income that does not include the following:" |
| (1) | Earnings of a Minor | "(1) Earnings of a child under age eighteen (18) years;" |
| (2) | Monies not for Living Expenses | "(2) Loans, grants, and scholarships obtained under conditions that preclude their use for current living costs;" |
| (3) | Student Grants and Loans | "(3) Grants or loans to students for educational purposes made or insured by a state or federal agency;" |
| (4) | Work Allowances | "(4) Allowances received for uniforms or other work required clothing, food and shelter;" |
| (5) | Self-Employment Expenses | "(5) Business expenses for self-employed family members." |

HANDBOOK ENDS HERE

47-230	ELIGIBLE FORMER CALWORKS CLIENTS (Continued)	47-230
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| .22 | SSI/SSP Income | The income of a recipient of federal Supplemental Security Income and State Supplemental Program (SSI/SSP) benefits shall not be counted as income for the purposes of calculating the amount of the family fee. |
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HANDBOOK BEGINS HERE

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| .221 | Family Fee | The fee schedule for families using child care and development services is that established by the Superintendent of Public Instruction and published by the California Department of Education (CDE) as required by the Education Code. Section 8263(f) of the Education Code provides as follows: "The superintendent shall establish a fee schedule for families utilizing child care and development services pursuant to this chapter. The income of a recipient of federal supplemental security income benefits pursuant to Title XVI of the Federal Social Security Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental program benefits pursuant to Title XVI of the Federal Social Security Act and Chapter 3 (commencing with Section 12000) of Part 3 of Division 9 of the Welfare and Institutions Code shall not be included as income for the purposes of determining the amount of the family fee...." |
| .23 | Family Size | For purposes of administering general child care programs, the Department of Education defines family size in California Code of Regulations, Title 5, Sections 18100(a) and (b) as follows: |
| .231 | Related Adults | Section 18100(a) - "Family size shall be determined by the number of adults and children related by blood, marriage, or adoption who comprise the household in which the child is living." |
| .232 | Other Adults in the Home | Section 18100(b) - "When an adult living in the household is neither the parent of the child nor the spouse of the parent, the adult and the adult's children, if any, shall be excluded from the calculation of family size." |

HANDBOOK ENDS HERE

47-230	ELIGIBLE FORMER CALWORKS CLIENTS (Continued)	47-230
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858c(c)(5); 42 U.S.C. 9858n(4)(B); 45 CFR 98.20(a)(2); 45 CFR 98.42; Sections 8351, 8263 and 8263.1, Education Code; Sections 11323.2 and 11450.12, Welfare and Institutions Code; Budget Act: AB 107, Chapter 282, Statutes of 1997, Item 6110-196-0001, Provisions 13 and 14.

47-240	CALCULATION OF FAMILY FEE FOR STAGE ONE CLIENTS	47-240
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| .1 | Calculation of Family Fee for Stage One Clients | For purposes of calculating the amount of the family fee, family size and income shall be determined pursuant to the requirements of Education Code Section 8263. The requirements for determining family income are summarized in Sections 47-230.21 through 47-230.211(c)(5) above. The requirements for determining family size are summarized in Sections 47-230.22 through 47-230.232 above. |
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 8263 and 8263.1, Education Code.

47-260	ELIGIBLE PROVIDERS	47-260
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| .1 | Eligible Child Care Provider Requirements | The child care provider shall meet all of the following requirements: |
| .11 | 18 years or Older | Be 18 years old or older. |
| .12 | Licensing Requirement | Have a child care license or be exempt from child care licensing requirements, as specified in the California Code of Regulations, Title 22, Division 12, Chapter 1. |
| .13 | Health and Safety Requirement | Meet or be exempt from health and safety requirements, as specified in Chapter 47-600, Trustline and Health and Safety Requirements. |
| .14 | Trustline Requirement | Apply for or be registered for Trustline or be exempt from Trustline Registry, as specified in Chapter 47-600. |

47-260 ELIGIBLE PROVIDERS**47-260**

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| .2 Parental Choice | Clients shall have choice in selecting child care providers. Licensed child care and child care exempt from licensure are valid parental choices of care for all clients of the Stage One child care program. |
| .3 Eligible Child Care Provider Limitations | Payment shall not be made for child care services when care is provided by parents, legal guardians, or members of the assistance unit. |
| .4 Exempt Provider Information | If the county or a contractor pays for child care services to a license-exempt provider, all of the following information about the license-exempt provider shall be on file with the county or the contractor: |
| .41 Name, Address, and Telephone Number | The name, address and, if available, a telephone number of the child care provider. |
| .42 Where Care is Provided | The address and, if available, a telephone number where child care is to be provided. |
| .43 Hours of Care and Charges | The hours child care is to be provided and the charge for this care. |
| .44 Social Security Number | Social Security Number. Provision of the social security number is mandatory to enable the county to comply with the federal reporting requirements for an unduplicated count of child care providers under the Child Care and Development Fund. The county shall inform the provider that provision of the social security number is mandatory, and the uses that will be made of this number. |
| .45 Character Reference | The names, addresses, and telephone numbers of two character references. |
| .46 Identification | A copy of a valid California driver's license or other identification to establish that the child care provider is at least 18 years old. |

47-260	ELIGIBLE PROVIDERS	47-260
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| .47 | Required Statement | A statement from the provider as to her or his health education, experience or other qualification, criminal record, and names and ages of other persons in the home or providing child care. |
| .48 | Relationship | Relationship of the child care provider to each eligible child. |

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858i(a)(2)(A); 42 U.S.C. 9858c(c)(2)(A)(ii) and (c)(2)(H); 42 U.S.C. 9858n; 45 CFR 98.30; Section 76 of the Privacy Act of 1974 (5 U.S.C. Section 552a Note); Sections 8208.1, 8212, 8216, and 8357, Education Code; Sections 1596.792 and 1596.871, Health and Safety Code; Sections 11320.3 and 11324, Welfare and Institutions Code.

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TABLE OF CONTENTS**CHAPTER 47-300 RESPONSIBILITIES OF THE COUNTY**

	Section
Administration of Child Care Services	47-301
Referral for Child Care Services .....	.1
Information Sharing .....	.2
Transitioning Clients .....	.3
Placement on Eligibility Lists for Subsidized Child Care .....	.4
Referral Priority for Stages Two and Three .....	.5
Contracts to Provide Stage One Child Care .....	.6
Information Collection	47-320
County Responsibility1
Client Responsibility2

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CHAPTER 47-300 RESPONSIBILITIES OF THE COUNTY**47-301 ADMINISTRATION OF CHILD CARE SERVICES****47-301**

- .1 County Welfare Department Responsibility
Counties shall inform families of the availability of child care subsidies and ensure that families have access to child care subsidies whenever the need for child care occurs resulting from employment or participation in any county-approved activities.
- .2 Referral for Child Care Services
The county shall refer clients needing child care services to the local child care resource and referral program.

HANDBOOK BEGINS HERE

- .21 Local Resource and Referral Responsibility
The local resource and referral program assists families in establishing stable child care arrangements as soon as possible. These include licensed and license-exempt care.
- .22 Colocation of Local Resource and Referral Staff
Local Resource and Referral staff are required to colocate with the county's case management offices or arrange other means of swift communication with parents and case managers.

HANDBOOK ENDS HERE

- .3 Information Sharing
The county shall provide information about the client to the agency administering Stage Two or Three child care to establish eligibility for child care services and to allow the agency to provide child care to the family. This information may be shared with other entities not administering the program when the client has consented in writing that the information may be released.

HANDBOOK BEGINS HERE

.31 Confidentiality

AB 1542, Chapter 270, Statutes of 1997, did not change the confidentiality provisions in Welfare and Institutions Code Section 10850. All client information is kept confidential and is not open to examination except for purposes directly connected with the administration of public social services, or as otherwise authorized. Alternative Payment Programs (APP), Resource and Referral Programs and child care providers are an integral part of Stage One child care service delivery. Client confidentiality would not be violated as long as the communication with any of these entities is directly related to providing Stage One child care services, or transition to Stage Two or Stage Three. In exchanging client information for purposes of administering the seamless child care program, each of these agencies are bound by the same confidentiality requirements.

HANDBOOK ENDS HERE

47-301	ADMINISTRATION OF CHILD CARE SERVICES	47-301
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| .4 | Transitioning Clients | The counties shall manage a client's transition from Stage One to Stage Two or Stage Three when the county determines that the family's situation is stable. The client's child care shall continue in Stage One until child care is provided in Stages Two or Three, unless the family is otherwise ineligible. |
| .41 | Stage One Time Limit | A client shall be served in Stage One for a maximum of six months unless the family's situation is not stable, or child care is not available in Stage Two or Three. |
| .42 | Extension of Six-Month Time Limit | The county shall extend the six- month time limit if the county has not determined stability or if child care is not available in Stage Two or Stage Three. |

HANDBOOK BEGINS HERE

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| .5 | Placement on Eligibility Lists for Subsidized Child Care | Stage One clients should be referred for placement on eligibility lists for CDE subsidized child care as soon as possible. |
| .6 | Referral Priority for Stages Two and Three | Former CalWORKs clients should be referred for transition to Stage Two and Stage Three eligibility lists before the county refers other Stage Two or Three eligible clients. |

HANDBOOK ENDS HERE

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| .7 | Contracts to Provide Stage One Child Care | The county shall have the option to contract with public or private child care agencies to provide any or all of the Stage One services. |
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47-301	ADMINISTRATION OF CHILD CARE SERVICES	47-301
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| .71 | Compliance with Regulations | Public or private child care agencies, including those that contract with the county to provide Stage One child care services shall comply with Division 47. |
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9801 Note (b)(4); 42 U.S.C. 9858e; 45 CFR 205.50; 45 CFR 98.51(a)(2)(i); Sections 8212, 8350, 8351, 8352, 8354 and 8358.5, Education Code; Sections 10540, 10850, 11323.4(f) and 11323.8, Welfare and Institutions Code.

47-320	INFORMATION COLLECTION	47-320
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| .1 | County Responsibility | The county shall obtain from the client information to determine child care eligibility and process payments for child care services. (See Section 40-126.35) |
| .2 | Client Responsibility | The following information shall be provided by the client: |
| .21 | Child's Identifying Information | Name, age, date of birth, ethnic origin and gender of each child requiring care. |
| .22 | School Hours | School hours of each child, if applicable. |
| .23 | Hours of Care | Hours of care needed for each child. |
| .24 | Provider Information | Name, address and, if available, a telephone number of the child care provider selected by the client. |
| .25 | Child's Disability | Information needed to obtain verification as specified in Section 41-430.2 about any child 11 years of age or older for whom care is requested due to a physical, mental or developmental disability or other similar condition. |
| .26 | Court Supervision | Information about any child 11 years of age or older for whom care is requested because the child requires care or supervision because she or he is under court supervision. |

47-320	INFORMATION COLLECTION	47-320
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| .27 | Change in Family Size
or Income | Information about changes in family size and
composition or changes in family income. |
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NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. 9858i(a)(2)(A) and (a)(2)(E); 45 CFR 98.20(a)(1)(ii); 45 CFR 98.71(a) and (b); Sections 8208.1, 8263, 8352 and 8357, Education Code; Sections 11054 and 11323.2, Welfare and Institutions Code.